

ADMINISTRATIVE PANEL DECISION

CWI, LLC v. Josue ALBERTO ESTEBAN, Truewilds LLC
Case No. D2024-2435

1. The Parties

The Complainant is CWI, LLC, United States of America (“US”), represented by Neal & McDevitt, US.

The Respondent is Josue ALBERTO ESTEBAN, Truewilds LLC, Spain.

2. The Domain Name and Registrar

The disputed domain name <wildcampersworld.com> (the “Disputed Domain Name”) is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2024. On June 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 14, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on June 25, 2024.

On June 18, and June 25, 2024, respectively, the Respondent sent informal emails.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2024. The Respondent sent an informal email on July 1, 2024. However, no formal response was filed. Accordingly, the Center notified the Parties on July 18, 2024, that it would proceed to the Panel Appointment.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on July 23, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, CWI, LLC, is an American company operating in the recreational vehicle business. The Complainant is the owner of several trademarks including the following:

- CAMPING WORLD, US word mark registered under No. 4,536,313 on May 27, 2014, in classes 35, 37 and 39;

- US figurative mark registered under No. 4,536,315 on May 27, 2014, in classes 35, 37, and 39:



- US figurative mark registered under No. 4,532,411 on May 20, 2014, in classes 35, 37, and 39:



The Disputed Domain Name was registered on January 6, 2024. According to the Complainant's evidence and by the Respondent's own admission, the Disputed Domain Name used to resolve to an automatically generated template website. Said website displayed the following logo:



The Disputed Domain Name currently resolves to an inaccessible website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

First, the Complainant contends that the Disputed Domain Name is confusingly similar to a trademark in which it claims to have rights.

Second, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as, according to the Complainant:

- there has never been any relationship between the Complainant and the Respondent that would give rise to any license, sponsorship, permission or authorization for the Respondent to use or register the Disputed Domain Name;

- the Respondent will not be able to provide any evidence of legitimate noncommercial or fair use of the Disputed Domain Name;

- the Respondent will not be able to demonstrate any trademark rights associated with WILD CAMPERS WORLD or that it has used the Disputed Domain Name to resolve a website with valid content;

- the Respondent is not commonly known by the Disputed Domain Name;
- the Disputed Domain Name suggests a false affiliation with the Complainant and cannot be considered fair use of the Disputed Domain Name.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. According to the Complainant:

- the Respondent intended to affiliate the website linked to the Disputed Domain Name with the Complainant through the use of a mark that is confusingly similar to the Complainant's well-known CAMPING WORLD marks;
- the Respondent was aware of the Complainant and its CAMPING WORLD marks when it registered the Disputed Domain Name and during its use of the Disputed Domain Name;
- the Respondent registered and is using the Disputed Domain Name to generate traffic to its website and receive commercial gain for its business;
- the Respondent is either passively holding the Disputed Domain Name or not making fair use of it;
- at the time of filing of the Complaint, the Respondent had employed a privacy service to hide its identity.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. However, in several emails addressed to the Complainant's representative, among others, the Respondent submits the following arguments and contentions:

- there are no similarities between the Disputed Domain Name and the Respondent's marks. The mere presence of a common word, such as "world" in this case, is not enough to establish a likelihood of confusion;
- there are no similarities between the website linked to the Disputed Domain Name and the Complainant's website. The content of the website linked to the Disputed Domain Name is generated automatically by the web hosting engine;
- the Disputed Domain Name and the website linked to it, were used exclusively for a personal blog about motorhome routes.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel observes that the Complainant's CAMPING WORLD mark is recognizable within the Disputed Domain Name. Although the words "camping" and "campers" are different, their first 4 letters are identical,

and their meanings are related. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the addition of another term – here, “wild” – does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is well established that generic Top-Level-Domains (“gTLDs”), here “.com”, may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

In this case the Panel does not need to consider or decide this issue, given its decision on the third element below and the fact that a successful complaint under the UDRP must establish all three elements under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

For the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Complainant claims that the Respondent was more likely than not aware of the Complainant and its CAMPING WORLD marks when it registered the Disputed Domain Name. The Complainant further contends that the Respondent intended to affiliate the website linked to the Disputed Domain Name with the Complainant through the use of the Disputed Domain Name that is confusingly similar to the CAMPING WORLD mark, to generate traffic to its website and receive commercial gain for its business.

After considering the totality of the circumstances of the record, the Panel does not find that the evidence demonstrates that the Respondent registered the Domain Name with the aim of targeting and exploiting the Complainant’s CAMPING WORLD mark. While the Complainant has established that its rights in the CAMPING WORLD marks satisfy paragraph 4(a)(i) of the Policy, the (textual components of) the CAMPING WORLD marks solely comprises dictionary words. The CAMPING WORLD trademark registration No. 4,536,313 also mentions that “no claim is made to the exclusive right to use “camping” apart from the mark as shown.”

The Disputed Domain Name strictly speaking has only one word in common with the Complainant's mark, as it consists of the combined dictionary words "wild", "campers" (which the Panel notes is different than "camping"), and "world". The Panel notes that the Disputed Domain Name used to resolve to an automatically generated template website displaying images of recreational vehicles (campers).

In the Panel's view, the above circumstances do not by themselves prove that the Respondent targeted the Complainant and its CAMPING WORLD trademark. The Disputed Domain Name solely consists of a series of terms which bear some level of similarity to but do not sufficiently correspond to the Complainant's mark so as to make a conclusion of targeting the said mark the only obvious one, and the images displayed on the linked website relate to the aggregate dictionary meaning of these terms.

Furthermore, the circumstances of the record do not indicate that the Respondent knew or should be deemed to have had notice of the Complainant's rights in the CAMPING WORLD trademark when it registered the Disputed Domain Name. The Complainant's CAMPING WORLD trademarks may benefit from a certain notoriety in the US; however, according to the Registrar's Verification, the Respondent is located in Spain.

Finally, the mere fact that the Disputed Domain Name is not currently associated to an active website is not in itself evidence of bad faith.

In view of the above, the Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Flip Jan Claude Petillion /

Flip Jan Claude Petillion

Sole Panelist

Date: August 6, 2024